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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor *et al.*,

Plaintiffs,

vs.

Merrick Garland *et al.*,

Defendants.

Case No. 2:22-cv-01004-SRB

**UNOPPOSED MOTION TO
APPEAR REMOTELY FOR
RULE 16 CONFERENCE
(First Request)**

Defendants through counsel respectfully request that this Court permit counsel for Defendants to appear remotely, either by teleconference or videoconference, at the Rule 16 Case Management Conference, which is currently scheduled for April 20, 2023. Dkt. No. 27. Plaintiffs do not oppose this request, and Plaintiffs intend to appear in person.

Counsel for Defendants understand and respect the Court scheduling an in-person hearing. Defendants make this request in light of the following unique circumstances. Giselle Barcia, the lead counsel for Defendants, resides in Washington, D.C. She has intimate knowledge of the allegations in the Complaint, the issues in the case, and the details of the parties' Joint Conference Report. To that end, she seeks to participate in the

1 Rule 16 Case Management Conference personally. However, she was involved in an
2 accident that left her with a severe fibular fracture and shattered ankle, which required
3 surgery in December 2022. She is undergoing a protracted recovery, including regular
4 physical therapy, and continues to wear a full surgical boot. Cross-country air travel, from
5 Washington to Phoenix, would be physically challenging. While Counsel appreciate the
6 desirability of in-person attendance under ordinary circumstances, independent travel and
7 the attendant physical tasks required would impose substantial strains and increased risks
8 to her recovery.

9 Undersigned contacted Plaintiffs' counsel, who does not object and will not oppose
10 Defendants' request. Finally, undersigned affirms the request is not sought for any other
11 improper purpose.

12 For all the foregoing reasons, and in light of these unique circumstances, Defendants
13 request that the Court grant Defendants permission to appear remotely, either by teleconference
14 or videoconference, at the April 20, 2023 hearing.

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16 Respectfully submitted this 13th day of April, 2023.

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18 BRIAN M. BOYNTON
19 Principal Deputy Assistant Attorney
20 General

21 BRIGHAM J. BOWEN
22 Assistant Branch Director

23 /s/ Giselle Barcia
24 GISELLE BARCIA
25 Trial Attorney
26 Civil Division, Federal Programs Branch
27 U.S. Department of Justice

28 *Counsel for Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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s/ Giselle Barcia
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